

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

 Application Number: 09/478,299
Applicants: John L. Schenk
Filed: January 5, 2000
Title: Method of Cryopreserving Selected Sperm Cells
Group Art Unit: 1654
Examiner: M. Meller

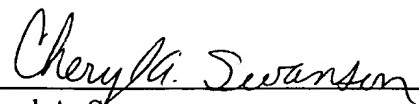
Assignee: XY, Inc.
Attorney Docket: 22091-701
Customer No.: 33549

CERTIFICATE OF EXPRESS MAILING

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached a Request for Continued Examination under 37 C.F.R. §1.114, (RCE) Transmittal form PTO/SB/30 with the United States Postal Service as Express Mail, postage prepaid, for mailing to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated this 14 day of June, 2004.



Cheryl A. Swanson

06-16-04

Express Mail No: EV 419716875 US

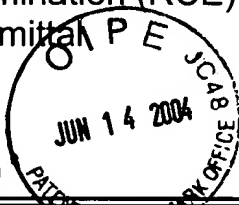
RCE/1654
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PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Request
for
Continued Examination (RCE)
TransmittalAddress to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/478,299
Filing Date	January 5, 2000
First Named Inventor	John L. Schenk
Art Unit	1654
Examiner Name	M. Meller
Attorney Docket Number	22091-701

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 1,720.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Luke Santangelo	Registration No. (Attorney/Agent)	31,997
Signature	<i>Luke Santangelo</i>	Date	12 June 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Cheryl A. Swanson	Date	6/14/2004
Signature	<i>Cheryl A. Swanson</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**AMENDMENT AND REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.114**

I. INTRODUCTORY REMARKS

The Applicant hereby submits the following amendments and explanation in this case pursuant to 37 C.F.R. 1.114, as a Request for Continued Examination. This is filed in response to the action dated December 24, 2003. To respond to all issues, this amendment is submitted in accordance with the amendment directions provided in 37 CFR 1.121 as now existing. Each amendment is believed to have been made in accordance with Rule 121, however, should any unintended informality exist, it is requested that the undersigned be contacted by telephone so that it may be resolved as expediently as possible.

This Request for Continued Examination is appropriate because:

- i) this request is made prior to payment of the issue fee [37 CFR 1.114 (a)(1)];
- ii) the application has not been abandoned;
- iii) no notice of appeal has been filed [37 CFR 1.114 (a)(3)];
- iv) prosecution on the application is closed by either a final action or issuance of a notice of allowance [37 CFR 1.114 (b)];

- v) this application is not a provisional application [37 CFR 1.114 (e)(1)];
- vi) this is a not utility patent application filed before June 8, 1995 [37 CFR 1.114 (e)(2)];
- vii) this application is not an international application filed under 35 U.S.C. 363 before June 8, 1995 [37 CFR 1.114 (e)(3)];
- viii) this application is not a design patent application [37 CFR 1.114 (e)(4)]; and
- ix) this is not a patent under reexamination [37 CFR 1.114 (e)(5)].

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 9 of this paper.